REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 7, 10, 13, 16, 19, 28, 31, 34, 37, 40 and 50 are pending in the present Application. Claims 1-6, 9, 12, 15, 18, 21-27, 30, 33, 36, 39, 42-49 were cancelled by previous amendments. The present Amendment amends independent Claims 7 and 28 without introducing any new matter; and cancels Claims 8, 11, 14, 17, 20, 29, 32, 35, 38, and 41 without prejudice or disclaimer.

By way of summary, the Official Action of January 7, 2008 presents the following issues: Claims 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41 and 50 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sakoda et al. (U.S. Patent No. 6,563,881, hereinafter Sakoda); and Claim 50 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakoda.

In response, independent Claims 8 and 29, and dependent Claims 11, 14, 17, 20, 32, 35, 38, and 41 are cancelled without prejudice or disclaimer.

Moreover, independent Claim 7 is amended to recite "controlling the transfer timing of transmission data by increasing or decreasing intervals between the first transmission and the subsequent transmission along the time axis." This feature finds non-limiting support in Applicants' disclosure as originally filed, for example at p. 25, l. 9, to p. 26, l. 4, and in Figs. 13A-13C. No new matter has been added. Independent Claim 28 is amended to recite a similar feature in the context of an apparatus.

Briefly summarizing, Applicants' Claim 7 is directed to a multi-carrier CDMA radio transmitting method of replicating each information symbol, disposing the replicated information symbols along a frequency axis, multiplying the replicated information symbols by a spreading code along the frequency axis, thus spreading the information symbols into

components of a plurality of sub-carriers having different frequencies, and thus rendering multiplex transmission of the information. The method includes the steps of enabling a transmission rate of the information to be changed by controlling multiplex transmission intervals between a first transmission and a subsequent transmission, along a time axis for each user to which the information is to be transmitted; and *controlling the transfer timing of transmission data by increasing or decreasing intervals between the first transmission and the subsequent transmission along the time axis*.

Turning now to the applied references, <u>Sakoda</u> describes a communication method where transmission symbols are arranged at intervals on a frequency axis. (<u>Sakoda</u>, Abstract, Figs. 7A-D, Fig. 10.) <u>Sakoda</u> explains with reference to Figs. 7A-D that a null symbol insertion unit 104 inserts null symbols to make the symbol rate equal to the maximum transmission rate. (<u>Sakoda</u>, col. 9, ll. 41-49.) In the examples given in <u>Sakoda</u>, a certain number of null symbols may be inserted into the transmission data to obtain the desired maximal transmission rate of 128kbps. (<u>Sakoda</u>, col. 9, l. 50, to co. 10, l. 7.) For this purpose, <u>Sakoda</u> uses his null symbol insertion unit 104 that introduces a certain number of null symbols based on Equation [1] into a defined frame. (<u>Sakoda</u>, col. 10, ll. 8-23, Fig. 6.) However, <u>Sakoda</u> fails to teach the features of Applicants' Claim 7, that the *transfer timing is controlled* by increasing or decreasing intervals between the first transmission and the subsequent transmission along the time axis. In <u>Sakoda</u>, null symbols are introduced into the transmission data, and there is no control of transfer timing. As shown in <u>Sakoda</u>'s Figs. 7A-7D, null symbols are inserted between original symbols. (See also <u>Sakoda</u>, col. 9, ll. 55-57.) But such null symbol insertion does not control the transfer timing.

Therefore, <u>Sakoda</u> fails to teach every feature recited in Applicants' Claim 7, so that Claim 7 is believed to be patentably distinct over <u>Sakoda</u>. In addition, Applicants' Claim 28

recites similar features, but directed to an apparatus. Accordingly, Applicants respectfully

traverse, and request reconsideration of the rejection based on Sakoda.[1]

Consequently, in view of the present amendment, no further issues are believed to be

outstanding in the present application, and the present application is believed to be in

condition for formal Allowance. A Notice of Allowance for Claims 7, 10, 13, 16, 19, 28, 31,

34, 37, 40 and 50 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact

Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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[1] See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."